

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 02-141
Table of Allotments,	)	RM-10428
FM Broadcast Stations.	)	
(Exmore and Belle Haven, Virginia)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: October 2, 2002**

**Released: October 18, 2002**

By the Assistant Chief Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rule Making*<sup>1</sup> issued on behalf of Commonwealth Broadcasting, LLC, licensee of Station WEXM(FM), Exmore, Virginia, and Sinclair Telecable, d/b/a Sinclair Communications, licensee of Station WROX-FM, Cape Charles, Virginia (“petitioners”), requesting that the Commission reallocate Channel 291B from Exmore to Bell Haven, Virginia as the community’s first local aural transmission service, and modify Station WEXM’s license to reflect the change of community. They also requested that the Commission reallocate Channel 241B from Cape Charles to Exmore, Virginia to maintain the community’s sole local aural transmission service, and modify Station WROX’s license to reflect the change of community. On June 21, 2002, petitioners filed a request for withdrawal of petition and expression of interest in this matter. Tidewater Communications, Inc. a party to a different docket, MB Docket No. 02-76, filed comments stating that it objects to petitioners’ counterproposal in that docket and that it agrees that this dismissal is appropriate. Petitioners filed reply comments objecting to Tidewater’s participation in this proceeding.

2. We will grant petitioners’ request and dismiss the petition for rulemaking and terminate this docket. Tidewater’s comments will not be considered in this proceeding and any objection they expressed is moot. We accept petitioner’s statement that they wish to withdraw their petition and the expression of interest in implementing the changes imposed in the *Notice of Proposed Rule Making*. Pursuant to Section 1.420(j) of the rules, they attach a sworn declaration attesting that neither of the companies or any of their principals have received or will receive any consideration for this withdrawal. They also attest that they have not entered into any oral or written agreement pertaining to the dismissal. We accept these statements as well.

3. Accordingly, IT IS ORDERED That the petition for rulemaking filed by Commonwealth Broadcasting, LLC, and Sinclair Telecable, d/b/a Sinclair Communications, proposing the reallocation of Channel 291B from Exmore to Bell Haven, Virginia, and Channel 241B from Cape Charles to Exmore, Virginia, IS DISMISSED.

4. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to:

<sup>1</sup> See *Exmore and Belle Haven, Virginia*, DA 02-1344 (June 7, 2002).

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(Counsel to petitioners)

5. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.
6. For further information concerning the above, please contact Victoria M. McCauley at (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau